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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,923	07/21/2003	Sunshine Voelker	CU-3596	5376

7590 09/22/2004

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EXAMINER

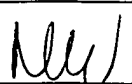
KING, ANITA M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,923	VOELKER, SUNSHINE	
	Examiner	Art Unit	
	Anita M. King	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the first office action for application number 10/623,923, Computer Copy Holder, filed on July 21, 2003.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to clearly show the ledge, ridges, and support yoke (66) as described in the specification, in fact reference numbers "36" and "38 appear to be referring to the same element. Also, the phantom drawing material in Fig. 5 is not shown. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informality: a comma should be inserted after "computer" (first occurrence) on page 1, line 9.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities: in line 1, --a-- should be inserted before "copy" and "the" should be changed to --a--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The preamble in claim 1 clearly indicates that a subcombination is being claimed, e.g., "a

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copy holder to display copy to the user of a notebook computer, said computer having a flat display screen housed in a case having an outer shell casing...". This language would lead the examiner to believe that the applicant intends to claim only the subcombination of "a copy holder," the computer being only functionally recited. This presents no problem as long as the body of the claim also refers to the computer functionally. The problem arises when the computer (or it's parts) is positively recited within the body of the claim, such as, "an upper horizontal channel affixed to the shell casing." The examiner cannot be sure if applicant's intent is to claim merely the copy holder or the copy holder in combination with the notebook computer.

Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the copy holder alone or the combination of the copy holder and the notebook computer. Applicant should make the language of the claim consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly. If applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the subcombination, then the body of the claims must be amended to remove positive recitation of the combination.

Claim 5 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "said panel," in line 3 of the claim is intended to refer to the original

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recitation of the term "a first quadrate flat panel," in line 7 of claim 1 or "a second quadrate flat panel" bridging lines 1 and 2 of claim 5.

Claim 6 has ambiguous claim terminology where it is unclear whether latter recitations or originally cited terminology are intended to refer to the originally cited terms. It is unclear if "means... for retaining sheets of copy material," bridging lines 1 and 2 of the claim is intended to refer to the original recitation of the term "means for retaining copy materials," bridging lines 8 and 9 of claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,619,429 to Mazza. Mazza discloses a copy holder (10) to display a copy to a user of a computer (12), the computer having a flat display screen housed in a case (16) having an outer shell casing, the copy holder comprising: an upper horizontal channel (38) affixed to the shell casing; a lower horizontal channel (36) affixed to the shell casing, parallel to the upper horizontal channel; a first quadrate flat panel (60 & 24) slidably disposed between the channels, the panel having means for retaining copy materials thereon; and whereby the first panel may be extended to the side of the case to retain the display copy materials to the computer user.

Allowable Subject Matter

Claims 2-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of allowable subject matter of the above mentioned claims are the limitations of the first quadrate panel having parallel top and bottom edges which cooperate slidably with the upper and lower channels, included in claim 2, in combination with the other elements recited in claim 1 (based on the combination of the copy holder and the notebook computer); and a second quadrate flat panel nested on and slidably cooperative with the first quadrate flat panel, whereby the panel may be telescoped apart to expend the width of the copy holder, included in claim 5, in combination with the other elements recited in claim 1 (based on the combination of the copy holder and the notebook computer). These respective combinations are not found in the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,037,233 to Furrow

U.S. Patent 2,242,737 to Alfreds

U.S. Patent 3,748,767 to Giesecke

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U.S. Patent 4,187,630 to Giulie et al.

U.S. Patent 4,312,490 to Biasini

U.S. Patent 4,372,518 to Biasini

U.S. Patent 4,588,190 to Stewart et al.

U.S. Patent 4,632,471 to Visnapuu

U.S. Patent 4,869,565 to Bachman

U.S. Patent 5,082,235 to Crowther et al.

U.S. Patent 5,383,642 to Strassberg

U.S. Patent 5,786,861 to Parker

U.S. Patent 5,987,794 to Lavi et al.

U.S. Patent 5,988,582 to Olivo

U.S. Patent 6,290,200 to Ko

U.S. Patent 6,293,511 to Shepherd

German Publication DE 19302503 to Steubing

Furrow discloses an adjustable music desk. Alfreds discloses a paper holding board.

Giesecke discloses a sign with a sliding element. Giulie et al. disclose a frame for pictures having a U-shaped edge member. Biasini (both patents) discloses a music stand extender. Stewart et al. disclose sliding panels. Visnapuu discloses a computer video workstation with copyholder. Bachman discloses a universally adjustable display apparatus. Crowther et al. disclose a display mounted document holder. Strassberg discloses a computer screen accessory. Parker discloses clipboards attached to a computer keyboard. Lavi et al. disclose a frame structure that displays media. Olivo


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discloses a device for organizing office paraphernalia, which uses a PC monitor as a mounting surface. Ko discloses a collapsible paper, book holder for mounting on a housing of a computer. Shepherd discloses a sheet music stand. Steubing discloses a document support panel on extending bars mounted on a computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

September 6, 2004